(5)

(3)

Single Bench

Division Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

M. A. No. 740/2006

APPELLANT
Claimant : Shankar lal S/o- Sundal lal Joshi Aged about 21 years, R/o- Village- Salhewarpara Dhamtari, Tahsil and District -Dhamtari (C.G.)

VERSUS

RESPONDENTS

1. Narendra Singh S/o- Gurucharan Singh Jaat, Aged about 40 years, R/o- Village Gangamandpara, Jagdalpur, P.S.- Bodhghat, Distt- Bastar (C.G.)

(Driver)

2. Manager, Chhattisgarh, Rajya Adhosanrachan Vikas Nigam, Raipur (C.G.)

(owner)

P.R. No. 1702/06
Presented by Shri C.P. Agrawal
dated 19/6/06

APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT FOR ENHANCEMENT OF THE AWARDE DATED 18/4/2006

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.No.740/.... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	04.12.2006 Appellant by Shri Pushpendra Kumar Patel, Advocate. Heard on admission. The only point urged by the learned counsel for the appellant in this appeal is that the learned Motor Accidents Claims Tribunal, Dhamtari while awarding compensation of Rs.8,000/- to the claimant/appellant vide award dated 18.04.2006 passed in Claim Case No.383 of 2004, failed to take into consideration the testimony of Dr. V.K.Pandey, who was examined by the appellant. No other ground was urged. Having heard the submission of the learned counsel for the appellant, I have perused the testimony of Dr. V.K.Pandey as also the certificate Ex.P.7 filed by the appellant. The accident had occurred on 01.12.2001. The claimant was admitted in Christian hospital at Dhamtari from 01.12.2001 to 05.12.2001. Ex.P.7 which is the discharge summary shows that the claimant had only suffered a sprain in the right ankle and upon X-ray no abnormality was detected. After a lapse of more than 4 years, the claimant went to Dr. V.K.Pandey, on 16.04.2005 and obtained a certificate Ex.P.31 showing 10% permanent disability suffered by the appellant. Dr. V.K.Pandey admitted this fact in cross-examination that from the date of awarding certificate the claimant never came to him for treatment. On these premises, the learned	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

M.A.C.T. refused to rely on the certificate of Dr. V.K.Pandey and awarded compensation of Rs.8,000/- on the basis of medical certificate Ex.P.7 which revealed that the claimant had suffered only a simple sprain in the right ankle due to the accident.

In view of the above, the award passed by the learned M.A.C.T. cannot be faulted with.

This appeal being devoid of merit is dismissed at the stage of admission.

Sd-/
Dilip Raosaheb Deshmukh
Judge

P.T.O.